

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|---------------------------|---|------------------|
| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| v. |) | CRIMINAL ACTION |
| |) | NO. 04-10288-RWZ |
| CARLOS ESPINOLA, ET AL |) | |
| Defendants, |) | |
| _____ |) | |

FINAL STATUS REPORT

June 22, 2005

SWARTWOOD, C.M.J.

The following is a Final Status Report to Zobel, J. to whom this case is assigned:

1. Motions To Strike Surplusage

Defendants collectively have filed Motions To Strike Surplusage From The Indictment (Docket Nos. 149, 161). The Government has filed a response assenting to the allowance of these motions to strike surplusage (Docket No. 188). Therefore, this motion should be reviewed and addressed by Judge Zobel.

2. Discovery

Completed.

3. Excludable Time

Without objection from counsel for the parties, I am excluding from the Speedy Trial Act, the period from May 19, 2005 (date of expiration of prior order of excludable time) through June

21, 2005 (date by which all discovery issues were resolved). Therefore, I have excluded from the Speedy Trial Act, the entire period from date of arraignment of the first of the Defendants' to be arraigned in this case through June 21, 2005 and assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Tuesday, August 30, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE